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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/046,491	11/29/2001	1633	618	18810-82002	9	18	3

CONFIRMATION NO. 6806

FILING RECEIPT



\*OC000000007898368\*

SIDLEY AUSTIN BROWN & WOOD  
555 West Fifth Street  
Los Angeles, CA 90013-1010

Date Mailed: 04/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Steven L. Wechsler, Westlake Village, CA;  
Anthony B. Nesburn, Malibu, CA;  
Guey-Chuen Perng, Alhambra, CA;  
John S. Yu, Los Angeles, CA;  
Keith L. Black, Los Angeles, CA;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A DIV OF 09/299,817 04/26/1999

**Foreign Applications**

If Required, Foreign Filing License Granted 04/17/2002

Projected Publication Date: 07/25/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Herpes simplex virus type 1 ( HSV-1)-derived vector for selectively inhibiting malignant cells and methods for its use to treat cancer and to express desired traits in malignant and non-malignant

mammalian cells

Preliminary Class

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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ORIGINAL APPLICATION

of

STEVEN L. WECHSLER  
ANTHONY B. NESBURN  
GUEY-CHUEN PERNG  
JOHN S. YU  
and  
KEITH L. BLACK

for

UNITED STATES LETTERS PATENT

on

A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR  
SELECTIVELY INHIBITING MALIGNANT CELLS AND FOR EXPRESSING DESIRED  
TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS

Docket No.: 18810-82002

Sheets of Drawings: 9

Attorneys  
SIDLEY AUSTIN BROWN & WOOD  
555 West Fifth Street, Suite 4000  
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Facsimile: 213-896-6600

CERTIFICATE OF MAILING BY "EXPRESS MAIL"		
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I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1-10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO BOX PATENT APPLICATION, THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D. C. 20231.		
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PATENT



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18810-82002

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Receipt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Steven L. Wechsler, Anthony B. Nesburn, Guey-Chuen Perng, John S. Yu and Keith L. Black

Serial No. 10/046,491

Filed: October 29, 2001

For: A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND FOR EXPRESSING DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Assistant Commissioner for Patents  
Washington, D. C. 20231  
Attn: Office of Initial Patent Examinations  
Customer Service Center

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D. C. 20231, Attn: Office of Initial Patent Examinations Customer Service Center
ON May 24, 2002 BY <u>Shirley Dow</u>
SHIRLEY DOW
<u>MAY 24, 2002</u>
DATE OF SIGNATURE

Dear Sir or Madam:

Applicant respectfully requests that the following corrections be made to the Filing Receipt dated April 18, 2002 issued in connection with the above-referenced application, as reflected in the marked-up version of the Filing Receipt attached hereto as Exhibit A.

First, Applicant requests correction of the **filing date** for the application to reflect **October 29, 2001**, rather than November 29, 2001 which appears in the Filing Receipt. In support of this correction, Applicant submits the following:

1. Enclosed as Exhibit B is a copy of the "Express Mail Label" EL 773 915 967 US for the above-referenced application, indicating that it was "express"-mailed on October 29, 2001; and
2. Enclosed as Exhibit C is a copy of the title page of the above-referenced application, showing a "Certificate of Mailing by 'Express Mail'", indicating the correct "Express Mail Label" of EL 773 915 967 US and "Date of Deposit" as October 29, 2001.

Second, Applicant also requests correction of the **total claims** set forth in the Filing Receipt to accurately reflect the total number of claims of 32 rather than "18" set forth in the Filing Receipt. In support of this correction, Applicant submits the following:

1. Enclosed as Exhibit D is a copy of the Preliminary Amendment filed concurrently with the instant application. At Pages 2-4 of the Preliminary Amendment, Applicant requests cancellation of the Claims 1-184 set forth in the parent application from which this application claims priority, and sets forth new Claims 185 through 202 (totaling 18 claims), with Claims 200 and 202 having multiple dependencies (bringing the total number of claims to 32).
2. The Filing Receipt (Exhibit A) indicates that the filing fee received for this application is \$618.00, which is consistent with 32 total claims as follows [12 claims above the 20 claims included in the basic fee x \$9.00 = \$108.00] + [basic fee of \$370.00 for small entity] + \$140.00 for the multiple dependencies] = \$618.00.

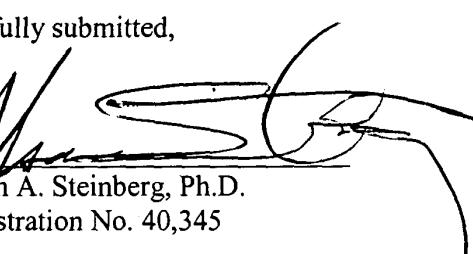
Third, Applicant further requests that the **title of the invention** set forth in the Filing Receipt be corrected to reflect the new title. The following documents are submitted in support of this correction:

1. Exhibit C, the title page for the above-referenced application, which reflects the correct title;
2. Exhibit D, the Preliminary Amendment, wherein pages 1-2 set forth the amended title as follows: "--A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND FOR EXPRESSING DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS--".

The Commissioner is hereby respectfully requested to credit overpayments or charge any fees required under 37 C.F.R. 1.16 or C.F.R. 1.17 to Deposit Account No. 50-1597.

Respectfully submitted,

By:

  
Nisan A. Steinberg, Ph.D.  
Registration No. 40,345

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Bib Data Sheet

CONFIRMATION NO. 6806

SERIAL NUMBER 10/046,491	FILING DATE 11/29/2001 RULE	CLASS 424	GROUP ART UNIT 1633	ATTORNEY DOCKET NO. 18810-82002	
<b>APPLICANTS</b> Steven L. Wechsler, Westlake Village, CA; Anthony B. Nesburn, Malibu, CA; Guey-Chuen Perng, Alhambra, CA; John S. Yu, Los Angeles, CA; Keith L. Black, Los Angeles, CA;					
<b>** CONTINUING DATA *****</b> THIS APPLICATION IS A DIV OF 09/299,817 04/26/1999					
<b>** FOREIGN APPLICATIONS *****</b>					
<b>IF REQUIRED, FOREIGN FILING LICENSE GRANTED** SMALL ENTITY **</b> ** 04/17/2002					
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance		STATE OR COUNTRY CA	SHEETS DRAWING 9	TOTAL CLAIMS 18	INDEPENDENT CLAIMS 3
<b>ADDRESS</b> Edward G. Poplawski, Esq. PRETTY, SCHROEDER & POPLAWSKI 19th Floor 444 South Flower Street Los Angeles, CA 90071					
<b>TITLE</b> Herpes simplex virus type 1 (HSV-1)-derived vector for selectively inhibiting malignant cells and methods for its use to treat cancer and to express desired traits in malignant and non-malignant mammalian cells					
FILING FEE RECEIVED 618	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		